

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | No. 15 CR 315 |
| v. |) | |
| |) | Judge Thomas M. Durkin |
| JOHN DENNIS HASTERT |) | |

**MOTION TO FILE UNDER SEAL DEFENDANT JOHN DENNIS HASTERT'S
RESPONSE TO THE PRESENTENCE REPORT AND SENTENCING
RECOMMENDATION**

Defendant John Dennis Hastert, by and through his counsel, respectfully moves this Court for leave to file his response to the Presentence Report ("PSR") and Sentencing Recommendation ("Recommendation") under seal. In support of this motion, Mr. Hastert states as follows:

1. On March 21, 2016, the United States Probation Office submitted to this Court its PSR and related Recommendation in the above-captioned case.
2. On March 22, 2016, the Court entered an order providing that objections to the PSR were to be filed by April 8, 2016. (Dkt. No. 65.)
3. Consistent with the Court's Order, Mr. Hastert will file a response to the PSR and Recommendation ("Response") immediately after the filing of this motion. Mr. Hastert moves now to file that Response under seal. Pending the Court's resolution of this motion, the Response will be provisionally filed under seal in accordance with the procedures set forth in Local Rule 26.2(c). The instant motion has been filed on the public docket in accordance with the procedures set forth under that rule.

4. Local Criminal Rule 32.1(j) provides that the PSR “shall not be disclosed to any person or agency without the written permission of the sentencing judge.”

5. Moreover, the Protective Order in this case provides that information provided to the defense by the government that has been marked as sensitive “shall not be included in any public filing with the Court and instead shall be submitted under seal.” (Dkt. No. 24, Protective Order at 4; Dkt. No. 28.)

6. The Response discusses the contents of the PSR and Recommendation in detail. In addition, the Response includes information designated as “sensitive” by the government pursuant to the terms of the Protective Order. Filing the Response on the public docket would, therefore, disclose the contents of the PSR and related Recommendation, in violation of Local Criminal Rule 32.1(j), and content that was previously marked “sensitive” pursuant to the Protective Order. For these reasons, Mr. Hastert respectfully requests that he be given leave to file his Response under seal.

WHEREFORE, Mr. Hastert respectfully requests that the Court enter an Order granting Mr. Hastert leave to file his Response under seal and to direct the Clerk of the Court to maintain the same under seal.

Dated: April 8, 2016

Respectfully submitted,

/s/ Thomas C. Green

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Counsel for John Dennis Hastert

CERTIFICATE OF SERVICE

I, Geeta Malhotra, hereby certify that on April 8, 2016, I caused a copy of the foregoing to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Geeta Malhotra